

Minutes of the Special Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Monday, April 2, 2018, at 6:00 p.m. at the City of South Tucson Council Chambers, 1601 South 6th Avenue, South Tucson, Arizona.

Council Present: Idelfonso Green
Vanessa Mendoza
Anita Romero
Robert Larribas
Carlos Romo

New Council: Paul Diaz
Herman Lopez
Rita Rogers
Bob Teso

Staff Present: Sixto Molina, City Manager
Veronica Moreno, City Clerk
Lourdes Aguirre, Finance Director
Marilyn Chico, Housing Authority Director
Manuel Amado, Chief
Angel Lopez, Public Works Director
Commander Kevin Shonk
Carlos Ben
Albert Lassen, Judge
Bobby Yu, City Attorney
Richard Hernandez
Capt. Luna, STFD

Others: Raul Green, Comunidad Primero
Paul Diaz, 2026 S. 8th
Carlos Ben

Mayor Green called the meeting to order at 6:00 p.m., and led the Pledge of Allegiance.

ITEM #04 – ROLL CALL – All members of the Council were present, except for Councilman Patino and Councilman Cantu, who were excused.

ITEM #05 – CALL TO THE AUDIENCE

Mayor Green: Anybody wishing to speak ...

Unidentified male: Yes.

Mayor Green: ... to the Council may do so for the first, for three minutes and please state your name and address.

Mr. Green: Good afternoon. My name is Raul Green. My address is 307 West 36th here in South Tucson. I'm a member of Comunidad Primero. Comunidad Primero, we're a group that was here in South Tucson, so we started four years ago. We, our goal was to make South Tucson better. And we got involved in issues that we really wasn't, that did not wanna get involved with. We were forced to by the circumstances at the time. The Mayor at the time was trying to get a drug rehab to come in South Tucson, into South Tucson. He was helping them. He says he doesn't, but I have documentation here that shows that he does. And that he was involved and he promised them permits. And the thing is that that person is coming back into the Council. And we don't wanna give the appearance of corruption so we want him to answer the question is how is it that two, two months after he started talking to Pasadera, on May 5th he owed \$107,000 in his home. And by the end of the month, he had paid it off. Both he and the City Manager at the time paid off their homes. And the City of South Tucson asked 'em, we've asked 'em repeatedly how. I mean this is, we give him a chance to explain. It's possible that he might have hit Lotto, who knows. But he never told us. Our community is concerned about this guy because first of all, when he was involved with Pasadera, the community was saying there's only two reasons why someone, a City Mayor would want a drug rehab right across a school. And one of them is stupidity and the other one is corruption. So we don't know which one it is but we know that he was involved even though he denies it. As I said, I've got the documentation here to prove it. And he and the City Manager paid off their home on the same day, May 14th. I mean May 28th of 2014. This is documented also. And just for the sake of the town, just for the sake of people feeling better about this, explain how is it, how it is that you paid \$107,000. You could've had the money, but we do need an explanation because we know that this person was dealing with Pasadera and promising, I have it in writing here, that he promised them the permits at least twice prior to, I mean right around the time that he got the money. Thank you.

Mayor Green: Okay. Next person. Anybody else?

Mr. Diaz: My name is Paul Diaz, 2026 South 8th Avenue. For the record, I'd like to add to Mr. Green's addresses; 2350 South Vista Avenue, San Ysidro, California. I found his driver's license. And also at 158 West Calle Primero, apartment 4, San Ysidro, California. He called that his daughter's. That's where he stays. That's where he's coming from. Every time we have these disputes. As far as that goes, you guys have been directed to use that complaint to take to the FBI. That's what he's telling you to do. Go ahead and do it. I promise you that he's going to be charged with false accusation. So, if you guys better (inaudible) get this matter over with. And if you don't, I'll be seeing you guys. Thank you.

(Applause from the audience)

Mayor Green: Okay. Let's go ahead and take, anybody else wishing to speak to the Council may do so at this time.

Mr. Hernandez: Buenas noches. I'm Richard Hernandez. I'm not from South Tucson. I'm from south Tucson. First of all, congratulations to those of you who voted. The American democracy is not based on who sits in office, but what the people want. So congratulations to all of you who voted. It's really important that you understand that it's your job, that these folks who are sitting here worked for you. The next thing, I want to encourage the new Council and the old Council to do is, we're going to use a childhood rhyme, be kind. If you're going to hash out things that happened two or three years ago, or five years ago, I can tell you that I made lots of mistakes when I was 20 and 30 and 40

and 50. Now that I'm in my 60's, I hope to make less. It's time to move forward, not backwards. It's time to be kind to each other. It's time to be tolerant of each other. It's time to be loving of each other. And you can do it in a professional manner as neighbor-to-neighbor, as a member of your church, as a member of this Council, as somebody who votes in this community. It is time to bury the hatchet and all that ugliness. Your community is counting on it. You have so many problems that you still want to rehash things from years gone by. It's time. It is time for you to move forward, not backwards. Congratulations to everybody, new winners and to those of you, you still live here, right?

Mayor Green: Yeah.

Mr. Hernandez: You still pay taxes here. So, be heard but be nice. Be courteous. Be loving. Be caring. There's still, we all have just one maker, right? Just focus on the good things. There are a lot of good people who live here. I don't live in South Tucson. I live in south Tucson down over by Sunnyside, but this is still part of my home. Congratulations to everybody. Let's move forward. That's the call to order today, moving forward. Thank you.

Mayor Green: Thank you.

(Applause from audience)

Mayor Green: Anyone else wishing to speak to the Council?

(No response from the audience)

ITEM #06 – APPROVAL OF MINUTES: REGULAR MEETING MARCH 12, 2018

Motion by Vice-Mayor Mendoza to approve the minutes of the Regular Meeting of March 12, 2018. Seconded by Councilman Larribas. Motion passed unanimously.

ITEM #07 – REPORTS

FINANCE

Mr. Molina: Mr. Mayor, members of the Council. We have a Finance update report as of February 28th, 2018. Our Finance Director, Lourdes Aguirre, is here to provide that report to you.

Ms. Aguirre: Mr. Mayor, members of the Council, typically I issue financial reports and updates at the end of each quarter, but given circumstances, I thought it would be a good idea just to brief you all on the state of the finances in the General Fund at the end of February. And so that's why I issued a memorandum to you all, distributed by email, and also placed in your boxes last week. In that memorandum, what you'll find is that revenues and expenditures were both running below budget and that you'll see in that summary report, page 2 of the memo. Also, as of the end of February, there was a small deficit of \$6,400. And so as it's consistent with revenue trends, what we see is that they tend to come in higher during the months of December through February and March sometimes

as well, due to clashes from the holiday season. And so, in this case, they were able to cover all the expenditures, almost all the expenditures through the end of February. As for expenditures, the ones that continue to be of concern are legal fees, which can be found in the City Manager's budget. Those legal fees are associated with a Tax Attorney that is currently handling a lawsuit against the City of South Tucson. And also, the (inaudible) increases in the jail bill and animal control bills. Those continue to be of concern. As of May 26th, last Monday when the report was issued, all the General Fund bills had been paid. I just wanted to report that to you as well. And I know that I also mentioned that this would be an update on any projects that were ongoing in the City, in the Finance Department. I'll just let you know about the audit. The audit for last fiscal year, fiscal 2017 has been completed. It's been uploaded to the website and it's also been submitted to the Auditor General, all to comply with the deadlines specified by State statute. If you have any questions, I can address them.

Mayor Green: Any questions?

Vice-Mayor Mendoza: Mr. Mayor, I do. So there's an explanation for the City Manager Administration being over that, for litigation fees for the secondary property tax. Can I get an explanation as to why the Finance is over?

Ms. Aguirre: Yes, of course. As a matter of fact, that's really due to audit charges, a total of about \$30,000 that was billed, the bulk of it in February. And so, what you'll see from this point forward is expenditures in the Finance Department begin to taper off or level off with the other departments. Just, that's when the bulk of the charges are billed. In February.

Councilman Larribas: I have a question. Is that still in litigation right now? Or is that pretty much over?

Ms. Aguirre: Mr. Mayor, Councilman Larribas, that lawsuit is still currently in the litigation. We can't discuss the specifics, but it hasn't been resolved yet.

Councilman Larribas: Okay. That's (inaudible). Thank you.

Mayor Green: Any other questions?

(No questions from the Council)

Mayor Green: Well, Lourdes, one of the things that I'd like to do is thank you for all your hard work and everything else. I know that it's been really hard. I know you've put a lot of time. I just wish you guys the best. So, with that, we just, it's not an action item. Am I correct?

Ms. Aguirre: No, ...

Mayor Green: It's just ...

Ms. Aguirre: ... (inaudible).

Mayor Green: ... strictly information. Okay. So, on behalf of the Council, I'd like to thank you and your staff. I don't see how you do it, but you happen to manage to balance all the books, so continue doing the good work.

Ms. Aguirre: Thank you, Mayor.

Mayor Green: Thank you. Anything else?

PRESENTATION OF PLAQUES

Mr. Molina: Mr. Mayor, members of the Council, there's one more item under Reports. That's the presentation of appreciation plaques. Being an elected official is never easy. It's very difficult (inaudible) to please. You try to please everybody, but we realize that you do what you can in the best interest of all concerned. And with that said, there are some plaques that we'd like to present to the outgoing members of the current Council. And I will defer to you, Mr. Mayor, for the presentation of the plaques.

Mayor Green: Okay. The first one is a Certificate of the City of South Tucson appreciation to Council member Robert Larribas for the time he served from May 26th of 2015 to April 2nd of 2018, to the people of South Tucson.

Councilman Larribas: Thank you.

Mayor Green: We'll give this to Cantu. And the same thing for you, Mr. Romo. Thank you very much.

Mr. Molina: Mr. Mayor, there's a plaque for you also from City Manager. And it's in grateful appreciation for your dedicated service from June 10th, 2013 to April 2nd, 2018, to the people of the City of South Tucson.

Mayor Green: Thank you.

ITEM #08 – CANVASS CERTIFICATION OF SPECIAL ELECTION MARCH 13, 2018

Mr. Molina: Mr. Mayor, members of the Council, at this time, we want to (inaudible) canvass of the Special Election certification March 3, or March 13th, 2018. Mr. Brad Nelson, Director of Pima County Elections Division has issued a certification of the election results of the City of South Tucson Special Election held March 13th. This is not an action item. The election has been certified (inaudible).

Mayor Green: Okay. Not a problem. So, like I said, I'd like to thank staff and everyone, you know, in the room, those who voted, those who didn't. Good luck.

ITEM #09 – INSTALLATION OF NEWLY ELECTED COUNCIL MEMBERS

Mayor Green: Would all the Council members step forward, please. Okay. And we will excuse ourselves.

Judge Lassen: (Inaudible) raise your hand and follow after me (inaudible) same time. Okay. (Inaudible) sign your loyalty oath of office and I'm going to present you with a certificate of (inaudible). (Inaudible). This, all of these things, of course, were prepared by our City Clerk and sometimes it's the City Manager and I didn't have anything to do with these. I just get to wear this dress and stand up here and swear you in. Okay? Ready? Okay. So, raise your right hands.

(The newly elected Council members, Bob Teso, Herman Lopez, Rita Rogers, and Paul Diaz were installed by Judge Lassen)

Vice-Mayor Mendoza: Moving onto Item #10 on the agenda, which is Election of Mayor.

ITEM #10 – ELECTION OF MAYOR

Councilwoman Rogers: Ms. Vice-Mayor, I nominate Mr. Roberto Teso as the Mayor of the City of South Tucson.

Vice-Mayor Mendoza: Do I hear a second?

Councilman Lopez: Second.

Vice-Mayor Mendoza: Let's go to a vote. All in favor say aye.

Council: Aye.

Vice-Mayor Mendoza: All opposed.

(None opposed)

Vice-Mayor Mendoza: The ayes have it. Congratulations, Mr. Teso.

(Applause from the audience)

ITEM #11 – APPOINTMENT OF VICE-MAYOR

Mayor Teso: Hello. Okay. Moving onto Item #10, Appointment of Vice-Mayor. I was asked that Mr. Herman Lopez take that appointment.

Councilman Lopez: Okay. I accept.

Mayor Teso: Thank you.

Vice-Mayor Lopez: Thank you.

ITEM #12 – APPOINTMENT OF ACTING MAYOR

Mayor Teso: Appointment for Acting Mayor, I would ask that Paul Diaz be out acting Mayor.

Councilman Diaz: I appreciate that very much and I will accept. Thank you.

Mayor Teso: Moving onto Item #12.

Council members: Thirteen.

Mayor Teso: Oh, sorry.

ITEM #13 – RESOLUTION NO. 18-07 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, COUNTY OF PIMA, STATE OF ARIZONA, DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF SOUTH TUCSON BANK ACCOUNTS, PROPERTIES, AFFAIRS, BOOKS AND CORPORATE RECORDS OF THE CITY

Unknown: Mr. Mayor.

Mayor Teso: Yes, sir.

Unknown: I want to thank Lourdes Aguirre and our Finance Director for the budget information. However, I would like to request for the next Regular Meeting, a report on the shortfall expected for next year's budget. I think that this is important for this Council to be aware of that.

Mayor Teso: Yes. Make a motion. Do I hear a motion?

Acting Mayor Diaz: Mr. Mayor, I so move.

Councilman Lopez: Second.

Motion passed unanimously.

Mayor Teso: Mr. City Manager, do we have any reports?

Councilwoman Mendoza: It's number #14. You need to adjourn into Executive Session.

Mayor Teso: Okay.

Councilwoman Mendoza: Reports were ...

(Simultaneous conversation)

Councilwoman Mendoza: Do you want my agenda or?

Mayor Teso: Well, I have it here.

Councilwoman Mendoza: Oh.

Mayor Teso: (Inaudible).

Councilwoman Rogers: It's right there.

Mayor Teso: (Inaudible).

ITEM #14 – EXECUTIVE SESSION PURSUANT TO A.R.S. SECTIONS 38-431.03,(A)(1)(3)(A)(4) – POSITION OF CITY MANAGER

Unknown: I make a motion that we table the Executive Session to discuss the City Manager's position for a future agenda.

Unknown: Mr. Mayor ...

Councilwoman Rogers: Since there's no discussion on the table, I second.

Motion by Acting Mayor Diaz to table the Executive Session pursuant to A.R.S. Sections 38-431.03,(A)(1)(3)(A)(4), position of City Manager. Seconded by Councilwoman Rogers. Motion passed unanimously.

Councilwoman Mendoza: Mr. Mayor, we need to have discussion on it before we all vote. I just, ...

(Simultaneous conversation)

Councilwoman Mendoza: ... I had a question and then you guys all voted before.

Mayor Teso: Okay. (Inaudible).

Councilwoman Mendoza: It's okay. But, you know, we need to have discussion 'cause, I mean I had a question on if, would it be indefinite or, you know, I would like to know those types of things before I vote on stuff like that.

Acting Mayor Diaz: The motion is (inaudible) open. So any time that anybody would want to bring that up, they can pull it from the table for the next agenda.

Councilwoman Mendoza: So not indefinite. It's just ...

Acting Mayor Diaz: So ...

Councilwoman Mendoza: ... right now.

Acting Mayor Diaz: ... it's on the table.

Mayor Teso: (Inaudible).

Mayor Teso: Moving onto #14.

Council: Fifteen.

Mayor Teso: Fifteen. Okay. We have ...

Councilwoman Rogers: (Inaudible) ...

Mayor Teso: ... a ...

Councilwoman Rogers: ... (inaudible).

Mayor Teso: ... Call to the Audience.

ITEM #15 – CALL TO THE AUDIENCE

Councilwoman Mendoza: If there's anyone wishing to speak to the Council, please come forward now. You have three minutes.

Capt. Luna: Hello. (Inaudible) Luna. I'm Fire Department. Mr. Mayor, members of the Council, on behalf of the Fire Department, we'd like to welcome you all to the member of the Council, and we'd just like to say as the Fire Department, we look forward to working with you. I know the Fire Department has been a big issue for the last number of years. And so, I know we still have a lot of work ahead of us. And, obviously, safety is the biggest concern for us and the citizens of South Tucson. So, I welcome, again welcome you guys to the Council and I look forward to, first and foremost, bring the fourth man back, but we'll get into discussions later down the road. So, that's a big topic for the Fire Department and the citizens of South Tucson. So, I just look forward to working with you, you all to get it back to the way it was. So, thank you.

Council: Thank you.

(Applause from the audience)

(Inaudible)

Mr. Hernandez: For the record, I'm Richard Hernandez, one more time. Congratulations to all of you.

Ms. Moreno: Mr. Hernandez, I'm sorry. Can I get your address, please? I didn't get your address the first time. Your address.

Mr. Hernandez: Is it required by statute?

Ms. Moreno: I don't know.

Mr. Hernandez: Uh, ...

Ms. Moreno: (Inaudible) the Mayor (inaudible) and I put it on the agenda, but if you want to just ...

Mr. Hernandez: I prefer ...

Ms. Moreno: ... dismiss ...

Mr. Hernandez: ... not to ...

Ms. Moreno: ... it. Okay.

Mr. Hernandez: ... give my home address. Thank you. I don't live in the City, so ...

Ms. Moreno: Okay, thank you.

Mr. Hernandez: ... I don't vote in the City of South Tucson. Trust is a big issue in South Tucson. I saw the newspaper here. You can rest assured it's going to be out there tomorrow. The people need you to lead them. They need to trust in your decisions. When it comes to the Fire Department, like the gentleman who just spoke, or the Fire Department, or the Police Department, I see several of their representatives, but it all starts with leadership. Let me encourage you, just like I said to the last four, get past all this petty bickering and crying like children. Okay? Work for the greater good. Work so that every person who lives here in South Tucson has a better life. That should be your goal. How do you make it better for every person who lives in this community that you represent? That's why you're sitting there now. Don't forget who you work for. You work for the people. They expect you to bring back order. They expect leadership. If you do that with some love and caring, you'll be very successful at your new job. There are plenty of people in this room that I see that love this place. This is their home. Leadership. That's, that's what I'm counting on you guys to do. Leave that other garbage behind. Move forward and trust. Win back the trust of your neighbor and your neighbor's neighbor, and make South Tucson the wonderful place it is to live. That's why you live here. Congratulations to you and the people of South Tucson one more time. Thank you.

Council: Thank you.

(Applause from audience)

Councilwoman Rogers: Adjournment.

Commander Shonk: Mr. Mayor, the Council, congratulations. Welcome. Like the Fire Department, they came and spoke so I kinda felt compelled to, there's a rivalry there, but we have a lot of work to do and through our DPS Director, I know the Fire Department and the Police Department, we look forward to working with you in trying to resolve some issues and trying to make things better here in South Tucson. And that's something we strive for every day, so congratulations.

Council: Thank you.

(Applause from audience)

Mayor Teso: Anybody else?

So is this open for the public to speak?

Unknown: Go ahead.

Councilwoman Rogers: Yes.

Mr. Ben: My name is Carlos Ben. I'm a prior citizen of South Tucson. I've known Mr. Diaz for many years (inaudible). I met the new Chief of Police. I've known Mr. Molina for several years. I used to love South Tucson. I still care about South Tucson. I have deep roots, great-grandparents built my home here. What's going on? Things are terrible. You guys all, there's a lot of people that know me here and those that don't. There's been a problem at my grandmother's house for several years, almost a decade. And it was just recently condemned due to all the drug activity and everything else going on. Legally, my hands are tied but the key word today is accountability. We all gotta account for something. If I could've done it, it would've been done. But, obviously, I couldn't. That's why I'm here today. It's not your fault or anybody's fault, but at some point, if we care about this community, I don't even live here and I still like I care more about it than a lot of people. It's gotta stop. And I hope that you guys can fit the bill. Mr. Diaz, I know he's a great man. He's a good man. Sixto Molina, he's always been good to me. I hope that you guys can do something about this (inaudible) trend. You know, we're trying to do better here and I care about South Tucson. So, I mean that's kind of all I gotta say, you know, and there's, at some point, I will schedule some time with you guys one on one. Hopefully, we can speak. And that's about it.

Acting Mayor Diaz: Thank you.

Council: Thank you.

(Applause from audience)

Mayor Teso: Anybody else?

(No response from the audience)

Acting Mayor Diaz: Mr. Mayor, before the adjournment, all I need is consensus in regards to this matter. But I, I really think that this matter needs to have a closure on it and that's the fact that Mr. Green keeps bringing it up over and over. The community is all aware of it. He's gone door to door about this. And, you know, it's (inaudible) the City. It's (inaudible) the residents because it's, it's not true. And so, therefore, the consensus would be that it be put on the agenda that we refer to the FBI with Mr. Green's name on it, and if it's true or not, it's up to them to either clear it or indict me. So, all I need is consensus if everybody on the Council would agree, yes, it should be on the agenda item. Let's put it on the agenda.

(No response from the Council)

Acting Mayor Diaz: I guess I don't have consensus. I guess (inaudible).

Councilman Lopez: I, I would like, I would like, Mr. Mayor, I'd like to make a motion to go along with Councilman Diaz's requests. I agree that we probably have to put this issue to rest for once and for all, and get rid of the Greens for once and for all. So hopefully, we can just move forward.

Acting Mayor Diaz: Second.

Mayor Teso: Can I get a second.

Acting Mayor Diaz: I second my own motion.

Mayor Teso: All in favor.

Councilwoman Romero: Aye.

Mayor Teso: Aye.

Councilman Lopez: Aye.

Councilwoman Rogers: Oppose.

Councilwoman Mendoza: Naye.

Councilwoman Rogers: Oppose.

Councilwoman Mendoza: I oppose.

Councilwoman Rogers: It's not a Council matter.

Councilwoman Mendoza: It's, yeah, it's a personal matter. And I don't feel ...

Councilwoman Rogers: Absolutely ...

Councilwoman Mendoza: ... that's appropriate ...

Councilwoman Rogers: ... (inaudible) ...

Councilwoman Mendoza: ... at all.

Councilwoman Rogers: ... (inaudible) make sure it gets recorded. I oppose.

Acting Mayor Diaz: (Inaudible).

(Simultaneous conversation)

Councilwoman Mendoza: I, I think that that's, it should be up to you. You know.

Mayor Teso: Okay.

Acting Mayor Diaz: Okay.

Councilwoman Mendoza: To disclose that information.

(Simultaneous conversation)

Mayor Teso: Motion passed.

Unknown: Yes.

Mayor Teso: Okay. Motion passed.

Councilwoman Mendoza: Mr. Attorney, I'm sorry, Mr. Mayor. That was not on the agenda. Therefore, I don't think that that should have been a vote right now. But you can clarify that. I think that you should clarify that.

Mr. Lassen: I, I would put that on another agenda to discuss.

Councilwoman Mendoza: Okay.

Mr. Lassen: If that is what Mayor and Council would like to do.

Councilwoman Rogers: We didn't have any time to think about it. It wasn't on the agenda.

Unknown: Herman moved.

Councilwoman Rogers: Wasn't.

Mr. Molina: Mr. Mayor, members of the Council, the issue of open corruption did come up, was brought to my attention several weeks ago. And I can't say too much about it, other than the matter has been reported to the proper authorities. It also involved a current staff member for the City of South Tucson, so we did the due diligence and referred the matter to the proper authorities. That's (inaudible).

Mayor Teso: Anybody else want to comment on that?

Acting Mayor Diaz: Okay. So, let me understand this correctly. Then, as far as the, the comment or consensus, and also the comment for the voting should be replaced by directing the City Manager to follow up on. Is that correct?

Mr. Molina: No, sir. The, for clarification, the matter was brought to my attention. Because it inferred public corruption, I presented the matter to the proper authorities for investigation. Now whether they

will or they won't, is (inaudible). And, but it has been, it has been brought to the, the attention of the proper authorities.

Councilwoman Rogers: I don't think any of this is on the agenda. Are we able to adjourn?

(Simultaneous conversation)

ITEM #16 - ADJOURNMENT

Motion by Councilwoman Mendoza to adjourn the Special Meeting. Seconded by Councilwoman Rogers. Motion passed unanimously. The meeting adjourned at 6:39 p.m.

Mayor

ATTEST:

Veronica Moreno, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of South Tucson, Arizona, held on the 2nd day of April, 2018. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2018.

Veronica Moreno, City Clerk